

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 LARRY JAMES BURNSIDE,

9 Plaintiff,

10 v.

11 NANCY A. BERRYHILL, Acting
12 Commissioner of Social Security,

13 Defendant.

CASE NO. C12-1739RSM

ORDER GRANTING MOTION TO
REOPEN

14 THIS MATTER comes before the Court on Defendant's Motion to Reopen this case for
15 entry of Judgment in Defendant's favor. Dkt. #20. The Commissioner notes that this matter was
16 initially remanded pursuant to sentence six of 42 U.S.C. § 405(g) on January 23, 2013. Dkt. #18.
17 However, on remand, Plaintiff and his attorney signed a letter indicating that Plaintiff did not wish
18 to pursue the claim and requesting to withdraw the request for hearing. AR 597. The
19 Administrative Law Judge (ALJ) dismissed the request for a hearing on March 26, 2015. AR 593-
20 96. The Appeals Council issued a decision on November 19, 2015, adopting the findings and
21 conclusion of the ALJ decision, dated February 19, 2010. AR 591. Accordingly, the
22 Commissioner moves the Court to enter Judgment in favor of Defendant pursuant to sentence four
23 of 42 U.S.C. § 405(g), affirming the Appeals Council's November 19, 2015, decision, because
24 Plaintiff has withdrawn his administrative claim. Plaintiff responds that he does not oppose this
motion. Dkt. #23.

1 Accordingly, the Court hereby ORDERS:

2 1. Defendant's Motion to Reopen (Dkt. #20) is GRANTED.

3 2. This case is reopened for the purpose of entering Judgment in favor of Defendant, after
4 which the matter will again be closed.

5 DATED this 12th day of April, 2017.

7
8 

9 RICARDO S. MARTINEZ
10 UNITED STATES DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24